

Attorneys for the United States.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SHOLANDA MCGILL,

Case No: 2:14-cv-00137-RCJ-VCF

MOTION FOR EXTENSION OF TIME
(First Request)

Federal Defendant Robert A. McDonald, Secretary of Veterans Affairs (“Federal Defendant”), respectfully requests an extension of time to respond to Plaintiff’s complaint until March 19, 2015. A response is currently due on February 17, 2015.

¹ Robert A. McDonald, officially became the 8th Secretary of Veterans Affairs on July 29, 2014, after being confirmed by the United States Senate. Pursuant to Fed. R. Civ. P. 25(d), Robert A. McDonald is automatically substituted as Defendant for Eric Shinseki, the previous Secretary. No further action need be taken to continue this suit.

1 In support of the instant Motion, the Federal Defendant submits the following:

2 1. This Motion is brought in order to accommodate counsel for the Federal Defendant.

3 2. On December 15, 2014, the United States Attorney's Office was served with the
4 complaint and summons in this case, and a Joint Status Report was filed (ECF #14) which included the
5 following deadlines:

6 February 17, 2015 - Federal Defendant's response to complaint due

7 March 17, 2015 - Parties to meet and confer

8 March 31, 2015 - Proposed Joint Discovery Plan and Scheduling Order due

9 3. On December 18, 2014, the Court held a Status Conference and determined the case
10 would proceed on the normal litigation track (ECF #15).

11 4. The requested extension of time is necessary in order for Government counsel to
12 properly respond to the complaint. At the time the Joint Status Report was filed, the proposed
13 deadlines appeared to be sufficient. Since that time, however, issues have been raised which require
14 more intensive research and review and discussion with the Defendant. Additionally, over the past
15 several weeks, Government counsel has been heavily involved in multiple deadlines in other cases that
16 have caused limited resources: *Smith v. Lopez* (2:13-cv-00892-GMM-PAL), *Smith v. Shinseki* (2:12-
17 cv-01241-APG-VCF), *Garity v. United States Postal Service* (2:11-cv-01805-RFB-CWH), *Neaman v.*
18 *United States* (2:14-cv-01307-JCM-NJK), *Kornberg v. United States* (2:12-cv-01961-JAD-PAL),
19 among others.

20 5. The instant motion is filed in good faith and not for the purposes of delay.

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1 WHEREFORE, for the above reasons, Federal Defendant respectfully requests the instant
2 Motion extending time to respond to Plaintiff's complaint until on or before March 19, 2015, be
3 granted.

4 Respectfully submitted this 17th day of February 2015.

5 DANIEL G. BOGDEN
6 United States Attorney

7 /s/ Justin E. Pingel
8 JUSTIN E. PINGEL
9 Assistant United States Attorney

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11 IT IS SO ORDERED:

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13 UNITED STATES DISTRICT JUDGE
14 UNITED STATES MAGISTRATE JUDGE

15 DATED: 2/18/15
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PROOF OF SERVICE

I, Justin E. Pingel, AUSA, certify that the following individual was served with the **MOTION FOR EXTENSION OF TIME** on this date by the below identified method of service:

Electronic Case Filing:

Erica D Loyd
Patrick W Kang
Kang & Associates, PLLC
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pkang@acelawgroup.com

DATED this 17th day of February 2015.

/s/ Justin E. Pingel
JUSTIN E. PINGEL
Assistant United States Attorney